

# Public Document Pack

## Planning and Highways Committee

Thursday, 21st June, 2018

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

1. Welcome and Apologies
2. Minutes of the Previous Meeting  
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3. Declaration of Interest  
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### PLANNING MATTERS

- MATERIAL CONSIDERATIONS 6 - 7**
4. Planning Application Summary  
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  - 4.1 Planning Application 10-18-0279 Vacant Land, Byrom Street, Blackburn, BB2 2HN  
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  - 4.2 Planning Application 10-18-0306 Pleckgate High School, Pleckgate Road, Blackburn, BB1 8QA  
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  - 4.3 Planning Application 10-18-0484 Butler's Arms, Pleasington, Blackburn, BB2 5SH  
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**4.4 Planning Application 10-18-0513 48 Lancaster Place,  
Blackburn, BB2 6JT**

**Planning Application 10-18-0513 48 Lancaster Place, 43 - 48  
Blackburn, BB2 6JT**

Date Published: Wednesday, 13 June 2018  
Harry Catherall, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE 24<sup>th</sup> MAY 2018

**PRESENT** – Councillors; Smith D (in the Chair), Akhtar H, Daley J, Davies R, Groves J (substitute for Casey J), Jan-Virmani Y, Khan Z, Khonlat S, Marrow P (substitute for Hardman D), Oates J, Richards K, Riley P, Slater Ja.

**OFFICERS** – Gavin Prescott (Development Manager), Safina Alam (Highways Development Control Engineer), Rabia Saghir (Legal) and Paul Conlon (Democratic Services).

### RESOLUTIONS

#### 1 Welcome and Apologies

The Chair welcomed everyone to the first meeting of the 2018-2019 municipal year, and in particular the new Members to the Committee following the local elections. Apologies were received from Councillors Casey and Hardman.

#### 2 Minutes of the last Meeting held on 19<sup>th</sup> April 2018

**RESOLVED** – That the minutes of the last meeting held on 19<sup>th</sup> April 2018 were confirmed and signed as a correct record.

#### 3 Declarations of Interest

There were no declarations of interest received.

#### 4 Planning Applications

The Committee considered reports of the Director of Growth and Development detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

**RESOLVED** – (1) That the following decisions be made on the applications set out overleaf:

<u>Applicati on No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/18/0336	BCC Citroen Blackburn	Land Adjacent to BCC Citroen Dealership Throstle Street Blackburn BB2 1QT	Approved subject to the conditions as detailed in the Director's Report and additional conditions detailed in the Update

		Change of use of grass verge to part of car dealership premises	Report.
10/18/0405	Blackburn with Darwen Borough Council	<p>Gorse Street Blackburn</p> <p>Variation of Condition No.21 pursuant to planning application 10/12/0694 to allow for highway alignment and alteration to roundabout size, new 40mph speed limit, new side roads to be opened up for new development sites - New Link road. Walk comprising new roundabout, link road connecting the proposed roundabout to existing roundabout. New segregated bus and cycle lanes westbound from Burnley Road to Burnley Close. New signalised junction at Burnley Street/Burnley Close with bus priority. New access to allotments.</p>	Approved subject to the conditions previously approved under Application 10/12/0694.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

“**Material Considerations**” are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<b>MATERIAL:</b>	<b>NOT MATERIAL:</b>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

**NB: Members should also be aware that each proposal is treated on its own merits!**

#### Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



## BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.  
Gavin Prescott, Development Manager – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 21/06/2018

Application No	Applicant	Site Address	Ward
10/18/0279	Prescot Business Park Ltd/Trentmore Ltd Laurel House 173 Chorley New Road Bolton BL1 4QZ	Vacant Land Byrom Street Blackburn BB2 2HN	Blackburn Central
Regulation 3 for Full Planning Application for Retail store and garden centre (Class A1) with associated servicing and car parking			

#### RECOMMENDATION: Permits

10/18/0306	Pleckgate High School Pleckgate Road Blackburn BB1 8QA	Pleckgate High School Pleckgate Road Blackburn BB1 8QA	Beardwood With Lammack Roe Lee
Regulation 4 for Variation of Condition No.43 pursuant to planning application 10/09/0895 - retention of the car park layout and landscaping to the south/south-west of Nos 141-145 Pleckgate Road			

#### RECOMMENDATION: Permits

10/18/0484	Mr A Ramsbottom 15 St Martins Drive Feniscowles BB2 5HU	Butlers Arms Pleasington Lane Pleasington Blackburn BB2 5JH	Livesey With Pleasington
Full Planning Application (Retrospective) for Erection of accommodation for Butler's Arms Bowling Teams (retrospective).			

#### RECOMMENDATION: Permits



Application No	Applicant	Site Address	Ward
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10/18/0513

Mr M Khan  
 48 Lancaster Place  
 Blackburn  
 BB2 6JT

48 Lancaster Place  
 Blackburn  
 BB2 6JT

Wensley Fold

Householder Notification for Single Storey rear extension  
 5m from original wall, max height: 3.900, height to eaves: 2.600m

**RECOMMENDATION: Prior Approval is Given**

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0279**

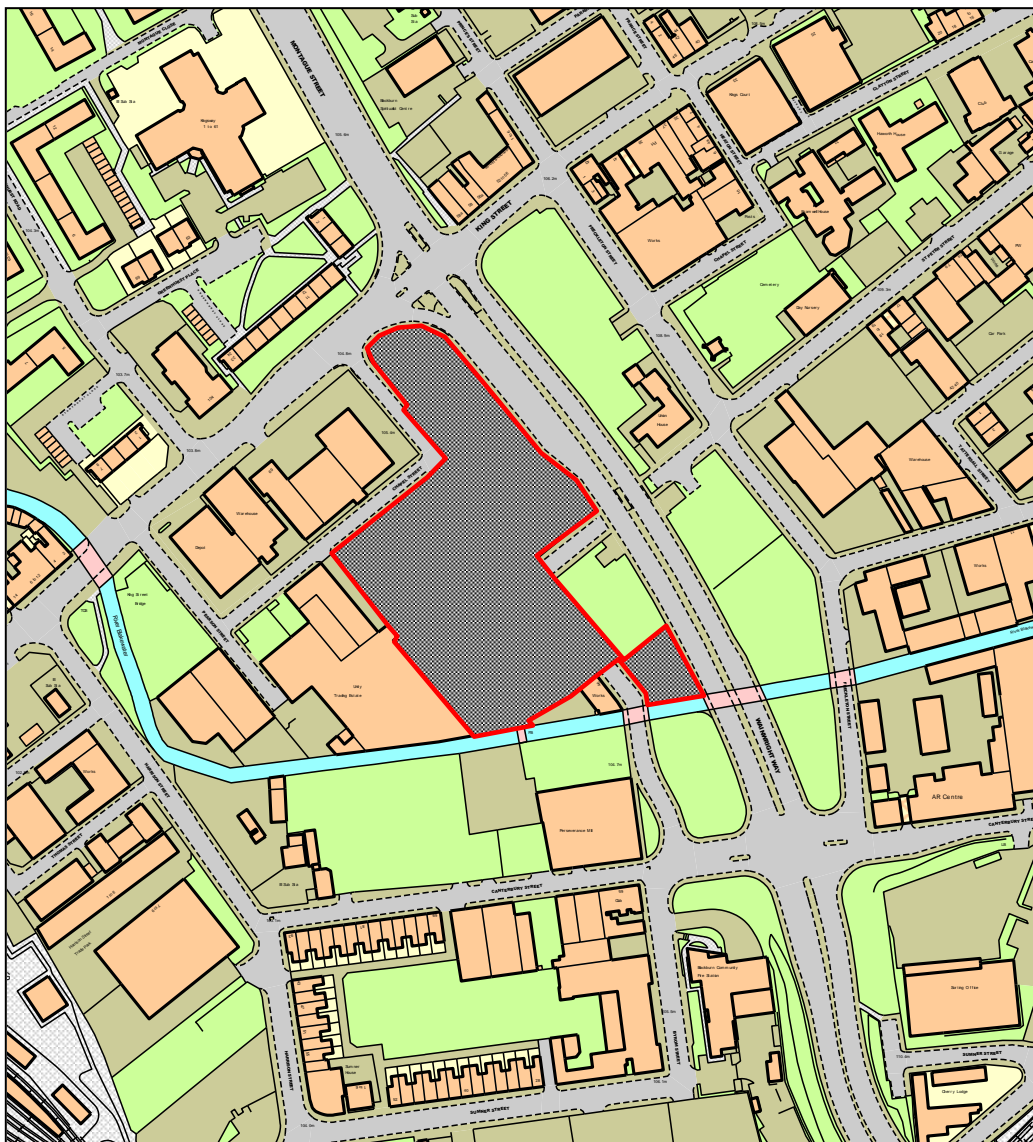
**Proposed development: Regulation 3 for Full Planning Application for Retail store and garden centre (Class A1) with associated servicing and car parking**

**Site address:  
Vacant Land  
Byrom Street  
Blackburn  
BB2 2HN**

**Applicant: Prescot Business Park Ltd/Trentmore Ltd**

**Ward: Blackburn Central**

<b>Councillor Saima Afzal</b>	
<b>Councillor Faryad Hussain</b>	
<b>Councillor Zamir Khan</b>	



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – subject to conditions**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The proposal provides for a new retail store and garden centre with associated servicing and car parking, on a vacant parcel of previously developed land positioned on the periphery of the Blackburn Town Centre boundary, adjacent to Blackburn's Orbital Route. The site is identified as forming part of employment land allocation 13/4 within the Blackburn with Darwen Local Plan Part 2.

2.2 The proposal is satisfactory from a technical point of view, with all issues having been addressed through the planning application. The application will not result in a significant adverse impact on the town centre but provide a competitive offer in line with the objectives of the Council's Development Plan and the NPPF. The proposal also provides regeneration benefits, bringing a long-standing vacant parcel of land back in to use. The proposed development is consistent with modern retail formats and has been designed to be in keeping the surrounding area. Landscaping to the periphery of the site also provides improvements to the setting of the town centre orbital route. Subject to appropriate planning controls, the proposal is not considered to be injurious to the amenity of neighbouring residents or nearby uses.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site extends to approximately 1.15 hectares and is located at Byrom Street/Wainwright Way, to the south west of Blackburn Town Centre. To the east of the site is Wainwright Way, which forms part of the new Blackburn orbital route. Immediately to the south of the site is the River Blakewater. To the west are industrial premises and to the north a range of industrial and commercial premises, including a tyre/exhaust/service garage. Byrom Street runs through the centre of the site in a north south direction. The application site is previously developed, albeit that it has been cleared of buildings. The western portion of the site is hard-surfaced and utilised as a pay and display car park. The eastern portion of the site is open surfaced and currently covered with vegetation.

### **3.2 Proposed Development**

3.2.1 The proposed development comprises an A1 retail store, garden centre and associated servicing and car parking areas. Internally the store will provide 3112m<sup>2</sup> of gross floorspace incorporating sales/display areas, storage facilities and staff areas. It is envisaged that the gross footprint will translate in to a maximum net sales area of 2801m<sup>2</sup>. Of the net sales area between 70% and 100% will be for the sale of comparison (non-food) goods and up to 30%

for the sale of convenience(food) goods. Externally is an open garden centre area of approximately 750sq m.

3.2.2 The scheme has been conceived and refined in conjunction with Home Bargains, who are the identified operator. The format of the proposed development is reflective of the latest derivation of new stores operated by Home Bargains and is based on their established operating format. The proposed design incorporates a single storey building to be sited on the western part of the site, facing east. The new building is approximately 70m x 45m, with ridge height of 5.7m; the shallow angled pitch roof being set behind a parapet wall detail. The lower walling is to be constructed with red brick and the upper section of the wall to be clad with Kingspan micro rib cladding in multiple colours in order to break up the mass of the building. The entrance lobby projects forward of the main building and is predominantly glazed.

3.2.3 The layout incorporates car parking for 168 spaces, of which 8% are oversized for disabled drivers and 4% oversized for parent and child parking. Servicing is contained within a dedicated yard adjacent to the garden centre with access from the south, from the direction of Canterbury Street. The periphery of the car park is to be landscaped, with feature detail adjacent to the junction of King Street and Wainwright Way. The Wainwright Way frontage will also contain a landscape strip, with intermittent feature stone wall detail. The boundary of the site is demarked by a timber knee rail fence.

### **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy:**

- CS1 – A Targeted Growth Strategy
- CS4 - Protection and Re-Use of Employment Sites
- CS12 – Retail Development
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

#### **3.3.4 Local Plan Part 2 (LPP2)**

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

- Policy 13 – Employment Land Allocations
- Policy 26 – Town Centres – A Framework for Development
- Policy 29 – Assessing Applications for Main Town Centre Uses
- Policy 39 – Heritage

### 3.3.5 Freckleton Street Masterplan: Supplementary Planning Document

## 3.4 Other Material Planning Considerations

### 3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14). The following sections are of particular relevance to the assessment of this application

- 1: Building a strong, competitive economy
- 2: Ensuring the vitality of town centres
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities

## 3.5 Assessment

### 3.5.1 Principle of the Development

The Core Strategy (CS) provides the strategic policy framework including the overall vision, objectives and strategy of the Local Plan. Central to the CS is a targeted growth strategy which is set out in Policy CS1. This is based on securing sustainable growth by attracting new development and securing change in underperforming areas. The existing urban areas are best placed to accommodate development while minimising environmental impact, allowing for the efficient use and re-use of land and by focusing development in areas which are the most accessible. That position is supplemented by LPP2 Policy 1, which identifies the urban area as being the preferred location for new development, subject to compliance with other policies of the development plan.

- 3.5.2 The application site is presently designated for employment purposes, specifically as part of allocation 13/4. Policy 13 of the LPP2 indicates that the site is an Urban/Gateway identified for transformational change alongside the new Freckleton Street Link Road (now known as Wainwright Way). CS Policy 2 indicates that on urban hub/gateway sites a range of uses will be acceptable and that development fronting on to major transport routes will be expected to be of a use, type or design which contributes to a high quality environment on the route. Accordingly there is scope for the proposed use to meet these policy requirements.

- 3.5.3 Safeguards do exist in relation to the release of allocated employment sites for other uses. Policy CS4: Protection and Re-Use of Employment Sites, aims to provide a broad portfolio of economic development sites in sustainable locations, and to maximise the economic output generated from these sites. It is recognised as part of this policy approach that it may be necessary for the Council to consider giving favourable consideration to elements of higher value “enabling” development, having regard to the balance of uses that would result on the site and the wider area. At paragraph 7.25 it is further recognised that such development “may also bring about added regeneration benefits and employment potential”. Where other uses are allowed they must not become dominant and should not compromise the operability of the rest of the site or wider area for employment uses. Given that the site has been marketed for alternative employment uses without any success and the obvious benefits of bringing this gateway site back in to meaningful use, the proposal can be considered to meet the wider remit of the policy.
- 3.5.4 Members should also note the direction within paragraph 22 of the Framework, which advises that; “Planning policies should avoid the long term protection of sites allocated for employment where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect for the land being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits...”
- 3.5.5 Policy 29 ‘Assessing Applications for Main Town Centre Uses’ concerns planning applications for new main town centre uses (such as retail development) outside the defined boundaries of existing centres. In terms of scale, the policy explains that new development will be permitted where it is “appropriate to the position of the centre concerned within the hierarchy of centres” in Blackburn with Darwen. This is in terms of the overall magnitude of additional floorspace proposed and the size of individual units. The policy continues that in making an assessment of whether the scale of retail development is appropriate, regard will be had to the ‘maximum unit size’ figure set out for the centre within Policy 29, Table 1. In the case of Blackburn town centre, it is noted that there is ‘no limit’ in terms of the maximum acceptable unit size.
- 3.5.6 Policy 29 also establishes a sequential approach to site selection for new retail development which is outside the primary shopping area of Blackburn and Darwen’s town centres. It explains that planning permission will be granted only where it can be demonstrated that “no sequentially preferable site is available or likely to be available within a reasonable timescale to accommodate the development” , and that in discounting any sequentially preferable site, “the developer / operator has applied a sufficiently flexible approach to their requirement in respect of scale, format and car parking provision”
- 3.5.7 The policy continues that where an ‘edge’ or ‘out-of-centre’ development is justified (under Policy 29), preference will be given to locations which are well-connected to an existing town centre; and appropriate measures will be required to maximise connectivity between the development and the centre.

- 3.5.8 Policy 29 also has regard to impact considerations and explains that new retail development which is not within a town or district centre will be required to be accompanied by a proportionate retail impact assessment where its floorspace exceeds the relevant impact testing threshold set out within Policy 29, Table 2. It is noted that in the case of Blackburn town centre the impact testing threshold is 1,000 sq.m and hence the scale and form of retail development proposed will trigger the need for a retail impact assessment to be submitted.
- 3.5.9 The impact section of the policy also establishes that where a retail impact assessment is required, it will be necessary to assess the implications upon all centres within 500m of the planning application site. In the case of the Wainwright Way proposals, it will therefore be necessary to assess impact upon Blackburn town centre, Johnston Street, Whalley Banks and Bolton Road.
- 3.5.10 Finally, Policy 29 explains that proposals will only be granted planning permission where it can be demonstrated that there will be no unacceptable impact on the vitality and viability of existing centres. In making this assessment the Council will take account of issues including:
- The impact of the proposal on existing, committed and planned public and private investment, in a centre or centres in the catchment of the proposal;
  - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area, up to five years from the time the application is made. For major schemes where the impact will not be realised in five years, the impact should also be assessed up to 10 years from the time the application is made; and,
  - The ability of the impact to be mitigated through measures secured through planning conditions or a planning agreement.
- 3.5.11 Given the detailed objection received (see section 9 of this report) on matters including the potential for the development to adversely impact upon the vitality and viability of Blackburn Town Centre and shortcomings of the sequential assessment undertaken by the applicant, the Council have commissioned an independent review. This will ensure the decision making process is robust and recommendation justified. As the objection was only received late in the assessment of the application, the independent review is not yet complete. Its findings and a final position on the principle of development will be presented to Members as part of the committee update report.

### 3.6 Design and Layout

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF which seeks to secure high quality design.

- 3.6.1 The building is to be constructed with red brick walling to the lower half of the building, whilst the upper walling, which includes a parapet detail screening the shallow pitched roof behind, is to be constructed in microrib cladding. The cladding incorporates three different colours; silver, basalt (light grey) and anthracite (dark grey), which serves to help break up the overall mass of the building and add interest to the facades. The entrance area projects forward of the principle build line and is predominately glazed with powder coated aluminium frames to match the upper wall cladding.
- 3.6.2 The general design of the building is consistent with modern retail units with consideration having also been given to the wider area ensuring the development is not an incongruous addition to the street scene given the sites prominent setting adjacent to the Town centre orbital route. The proposed scale, built form and materials, are broadly consistent with those on the adjacent commercial buildings.
- 3.6.3 The proposal has been supported by indicative landscape details. The proposal involves a feature ornamental planting area on the northern edge of the site, adjacent to the King Street / Wainwright Way junction. This is supplemented by tree planting along the Byrom Street entrance to the site and further landscape planting on the eastern periphery adjacent to Wainwright Way. This latter section is also to accommodate intermittent feature stone walling and a beech hedge. The site periphery is further demarked by a timber knee rail fence.
- 3.6.4 Thus, subject to appropriate conditions relating to submission of materials, boundary treatment appearance and planting the proposal is considered to meet the requirements of Policy 11 of the LPP2

### 3.7 Highways

- 3.7.1 Local Plan Part 2, Policy 10 sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking, in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services.
- 3.7.2 The application has been supported by a Transport Assessment and Framework Travel Plan, the key findings of which can be summarised as;
- The trip generation for the development is based on the TRICS national database. The trip distribution and assignment was derived using the retail impact assessment. The junction capacity assessments have been undertaken based the assumption that the trip generation associated the proposals will result in all 'new' trips, with no allowance made for pass-by trip, linked-trips and diverted trips, which are already on the local highway network. Accordingly, the assessments are very robust assessment.



- The junction assessments were undertaken for a weekday PM peak hour and a Saturday peak hour. The junction assessments with 2023 forecast flows demonstrate that the local highway network would operate within capacity, with no significant queues and delays. Accordingly, the residual cumulative traffic impacts of the development would not be severe and thus the development passes the test set out in paragraph 32 of the NPPF.
- A review of the most recent 5-year Personal Injury Accident (PIA) data shows that there are no existing highway safety issues which could be exacerbated by the development proposals.
- The majority of Blackburn town centre falls within a 1km (12 minute) walk of the site, and as such it is feasible that shoppers could shop at both the proposed retail unit and the various retail stores within the town centre on the same trip.
- Many residential areas are located within a 2km (24-minute) walk of the site, as such a relatively large population, and therefore a large customer base, will be located within a 24 minute walk of the site. It is also anticipated that a significant number of staff members will live within close proximity to the site, and so could make their journeys to and from work on foot.
- The entirety of Blackburn town centre falls within a 5km cycle catchment of the site, as do a number of surrounding residential areas. Given that many residential areas fall within a 5km catchment of the site and that much of the road network surrounding the site is suitable for cycling means that cycling would be a viable option for staff and customers to travel to and from the site.
- The closest bus stop to the site is located on King Street, approximately a 150m walk from the centre of the site. Further bus services can be reached from Blackburn bus station, which is located approximately 850m from the site, which equates to a walk time of 10 minutes. Buses serving stops close to the site run at a combined frequency of 10 services per hour in each direction during the weekday AM peak hour, 15 services per hour during the weekday inter-peak period and 13 services during the weekday PM peak hour. These services serve a wide range of destinations including Blackburn town centre, Clitheroe, Chorley, Preston and Manchester. There is also between 5 and 6 services per hour during weekday evenings, between 7 and 15 services per hour on Saturdays and 5 services per hour on Sundays.
- The nearest railway station to the site is Blackburn Rail Station, which is located approximately an 850m walk from the site, equating to a walk time of around 10 minutes. The station can also be accessed via the number 4 or Hotline 152 bus services. Train services from this station run at a combined frequency of approximately eight services per hour, and run to destinations including Colne, Clitheroe, Preston, York, Kirkby, Stalybridge and Manchester Victoria.

- Internally, the development will provide a high level of connectivity on-foot. Externally, to improve linkages to Blackburn town centre, a dedicated pedestrian link is proposed onto Wainwright Way, adjacent to the existing pelican crossing on Wainwright Way/
- A short section of Byrom Street would be stopped-up between its junction with Chapel Street and the proposed entrance to the service yard. This section of the Byrom Street would become part of the proposed main car park.
- Cars and light vehicles will be able to enter the car park from Byrom Street either from the north via King Street or from the south via Canterbury Street. However, all vehicles will have to exit the car park by travelling southwards along Byrom Street. All HGVs will access the site from the south via Byrom Street/Canterbury Street junction for accessing the service yard.
- The proposed car parking provision will be 168 spaces, this broadly accords with the Council's guidelines on parking standards. All spaces accord with the adopted space standards. The proposed car parking spaces will be spread over two car parks and the service yard. The main car park would provide 137 spaces, whereas the small over-spill car park would provide 14 spaces. There would be 6 car parking spaces in the service yard, which will be exclusively for staff use only. Covered cycle parking for 6 cycles will be provide near the store entrance

3.7.3 The Council's Highway Officer's have appraised the submission and agree that the proposal will not adversely affect traffic flow within the surrounding highway network. The site is also acknowledged to hold benefits in terms of its accessibility to sustainable modes of transport. Although the proposal has a modest over-provision (circa 3%) above the adopted parking standards, it is acknowledged that changes to the car park layout to improve landscaping and other minor issues (as set out below) is likely to bring the scheme in to line with the standard. There are a number of minor points raised in relation to the proposed car park and service yard arrangements that need addressing; these include; clarification on whether a barrier control will be introduced along Byrom Street when the store is closed, tracking of service vehicles in to the service yard following the amendment received to address the earlier objection from the EA, provision of PTW parking, relocation of covered cycle storage closer to the entrance to the store and the provision of an additional trolley park facility within the main car park. Those issues have been raised with the agent and it is hoped that the details can be presented to Members as part of the committee update report. If not, they are all capable of being addressed via planning condition. Subject to that position, it is considered that the proposal is in accordance with the requirements of Policy 10 of the LPP2

### 3.8 Amenity

3.8.1 LPP2 Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself,

with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

- 3.8.2 The location of the site is in a predominantly commercial area, with the closest uses being vehicle repair garages, industrial and storage uses. There are residential uses in the general area, though the nearest is a hostel use 70m to the east and resident flats 80m to the north. The application is supplemented by a noise report that has been reviewed and agreed by the Head of Public Protection. Given the nature of the proposed use, the relative distance to receptors and the background noise levels – predominantly arising from the local highway network – no loss of amenity is identified to neighbouring uses due to noise. Furthermore, given, the building's siting and scale there are not considered to be unacceptable impacts on any sensitive receptors through loss of light, over-shadowing or other overlooking impacts.
- 3.8.3 The Council's Public Protection have reviewed the application and requested conditions relating to contaminated land, vehicular charging point's, dust management, construction hours restrictions external lighting and contaminated land are also recommend.
- 3.8.4 Subject to the recommended conditions, the proposal is considered to accord with the requirements of LPP2 Policy 8, and would not unacceptably affect the amenity of surrounding uses.

### 3.9 Flood Risk & Drainage

- 3.9.1 The development site is shown on the Environment Agency Statutory Flood Maps for Planning as being partly within defended Flood Zones 2 and 3. The proposed retail development is classified as 'Less Vulnerable' according to Table 2 of the PPG (Flood Risk & Coastal Change).
- 3.9.2 As the site is in Flood Zones 2 and 3, a sequential test should be provided in accordance with Table 3 of the PPG (Flood Risk & Coastal Change). No exception test is required due to the 'less vulnerable' nature of the site. This site has been identified as the preferred site in the retail sequential test, discussed previously.. None of the alternative sites near Blackburn town centre were identified as being at lower risk of flooding and therefore it is considered that the sequential test in relation to flood risk can be passed.
- 3.9.3 The nearest main river to the application site (as listed on the EA Flood Map for Planning) is the River Blakewater which is adjacent to the site. The site's existing Qbar rate of discharge per hectare is estimated to be 8.9 l/s. It is proposed to discharge surface water run-off from the site to the River Blakewater via a new outfall. Exceedance flows up to the 1 in 100 year plus climate change event will be stored within the external car parking areas. Attenuation storage up to the 1 in 30 year return period event will be provided in underground attenuation and oversized pipes. However, SUDs elements such as permeable pavements may also be included in the site's drainage strategy.

3.9.4 Based on the above, the following recommendations are made within the submitted Flood risk and Drainage Assessment:

1. The final site layout and drainage design shall seek to maximise the use of SUDs techniques as outlined within this assessment and in conjunction with the site specific infiltration test results.

2. In accordance with the requirements of the Environment Agency, the FFL shall be set 300mm above the external ground level in order to provide a level of protection to the building in the event of a extreme flood event.

3. Site specific infiltration testing in accordance with BRE Digest 365 guidelines shall be undertaken to verify if SUDs infiltration techniques can be utilised and subject to the outcome of the testing, the drainage design revised as applicable.

4. On completion, a regular inspection & maintenance regime is to be provided together with details of who will be responsible for the inspection and maintenance of the proposed SUDs components.

3.9.5 The Environment Agency (EA) initially objected to the application due to the development being within the 8m easement of the River Blakewater and had potential to restrict essential maintenance and emergency access to the flood wall defence. The development also had potential to adversely affect the construction and stability of the flood defence wall. The receipt of amended details 22<sup>nd</sup> May 2018 has removed the conflict between the development and the easement/flood defence wall and the EA have subsequently removed their objection.

3.9.6 The Council's drainage team and United Utilities have accepted the findings of the submitted flood risk and drainage assessment and have offered no objection to the proposal subject to conditions relating to; foul and surface water being drained on separate systems; detailed foul and surface water drainage scheme to be agreed; and a scheme for the maintenance and management of the sustainable drainage system for the lifetime of the development. Subject to those controls it is considered that the development is consistent with the requirements of Policy 9 of the LPP2 and can be supported

### 3.10 Archaeology

3.10.1 *Policy 39: Heritage* of the LPP2 requires that development potentially affecting nationally or locally important archaeological remains will be expected to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that it is not possible or desirable. This position accords with paragraph 141 of the Framework that Local Authorities should require developers to record and advance understanding of the significance of and heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and their impact.

3.10.2 Lancashire Archaeological Advisory Service (LAAS) have been consulted on the application and indicated that the Ordnance Survey mapping for 1848 shows that the site was previously occupied by a short row of buildings, which may represent back-to-back houses. The mapping also shows the presence of steps indicating the existence of cellars. Furthermore, the Blackburn volume of the 'Extensive Urban Survey Report' indicates that the cellar areas were probably used initially for loom shops. Given the scarcity of surviving back-to-back houses any remains that do survive are considered to be important elements of the town's rapid growth in the early nineteenth century. As a consequence LAAS have requested a condition requiring archaeological strip, map and sample investigation of the footprint of the back-to-back houses as shown on the 1848 OS map.

3.10.3 Members should note that the wider location has been subject to archaeological assessment and evaluation in connection with the construction of the Freckleton Street link road, now referred to as Wainwright Way. Furthermore, the LAAS submission acknowledges that the comments have been offered without the benefit of a site visit, which would have identified that the site has been subject to clearance and groundworks that are likely to have already removed the presence of the structures. Hence, there is unlikely to be any loss of as a result of the proposed development. Thus, notwithstanding the LAAS request, it is considered to be more proportionate and appropriate to impose a general 'archaeological watching brief' condition rather than the full site investigation requested. It is submitted that this will still fulfil the requirements of LPP2 policy 39 and the NPPF

## **4.0 RECOMMENDATION**

4.1 **APPROVE** subject to the following conditions;

- Commence development within 3 years
- Materials to be submitted and agreed
- Car park layout, including trolley park, PTW parking, covered cycle storage and vehicle tracking to be agreed and implemented prior to first use
- Electronic vehicle charging scheme to be agreed
- Construction method statement, including wheel wash
- Construction dust management scheme to be agreed
- Boundary treatment
- Landscaping
- Land contamination and remediation
- Foul and surface water to be drained separately
- Surface water drainage scheme
- Scheme for maintenance and management of sustainable drainage
- Archaeological watching brief
- Operating hours of, Monday to Saturday: 08:00 to 20:00, Sundays: 10:30 to 14:30
- Limitation of construction site works to: 08:00 to 18:00 Mondays to Fridays 08:00 to 13:00 Saturdays Not at all on Sundays and Bank Holidays

## **5.0 PLANNING HISTORY**

5.1 There is no relevant planning history affecting the site.

## **6.0 CONSULTATIONS**

### Environment Agency

Initial objection due to conflict between the development and easement to a flood defence wall; this would prevent essential maintenance and emergency access and be likely to adversely affect the construction and stability of the flood defence wall. Amended details received 3<sup>rd</sup> May 2018 identify development now being outside of the 8m easement to the River Blakewater and objection subsequently withdrawn.

### Local Drainage Authority

No objection subject to agreement with the Environment Agency and conditions relating to; foul and surface water drainage scheme and details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development to be agreed.

### United Utilities

No objection subject to development being in accordance with the submitted Flood Risk Assessment. Additional conditions relating to foul and surface water being drained on separate systems and appropriate management and maintenance plan for the sustainable drainage system

### Public Protection

No objection subject to conditions relating to; contaminated land, electronic vehicle charging facilities, dust management during construction and construction hours restrictions

### Highways

No objection in principle. Site is positioned on the periphery of the town centre and accessible by public transport. The submitted Transport Assessment indicates that the projected trip generation can be accommodated within the existing highway network capacity. Additional information requested in relation to service vehicle tracking, which is to be presented at the Committee update stage. Minor amendments to car park layout requested, namely; PTW parking facilities; addition of small number of larger parking bays to accommodate transit vans, or similar; relocation of

cycle storage to position closer to store entrance; additional trolley parking facilities within car park. These matters are capable of being dealt with by a suitably worded planning condition if not received prior to application's consideration at committee.

#### Environmental Services

No objections. Bin storage arrangements adequate.

#### Lancashire Archaeological Advisory Service

No objection. Recommended condition requiring archaeological investigation as the 1848 Ordnance Survey records indicate the site was occupied by short row of buildings that may have been back-to-back houses incorporating cellars used as loom shops.

#### Lancashire Constabulary

No comments received.

#### Public Consultation

92 neighbouring premises have been consulted individually by letter, site notices displayed and a press notice issued. The consultation exercise has been repeated following the receipt of amendments 23<sup>rd</sup> May 2018. One letter of objection has been received and is set out fully in section 9.0 of this report. The objection points can be summarised as;

- Conflict with the provisions of the Freckleton Street Masterplan SPD and the development plan, specifically the zoning of the site for public sector and office uses.
- Failure to undertake appropriate assessment of alternative sites in line with the sequential test for town centre uses.
- Adverse impact on town centre investment due to growth of competition from out of centre retail locations
- Adverse impact on town centre vitality and viability

**7.0 CONTACT OFFICER: Martin Kenny, Principal Planner**

**8.0 DATE PREPARED: 8<sup>th</sup> June 2018**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection from Sian Bowen, Capital & Regional

**RE: PLANNING APPLICATION FOR RETAIL STORE AND GARDEN CENTRE  
(REF: 10/18/0279) BYROM STREET, BLACKBURN  
OBJECTION BY CAPITAL & REGIONAL**

We write, as the owner and operator of The Mall, Blackburn, to object to the planning application by Prescott Business Park Ltd/Trentmore Ltd at Byrom Street, Blackburn.

We understand the planning application seeks consent for a retail and garden centre (Class A1) with associated servicing and car parking, of 3,113 sqm proposed to be occupied by Home Bargains.

We wish to see Blackburn Town Centre prosper, in accordance with national and local priorities. We are actively looking to invest significantly in furthering the quality and offer of Blackburn as a retail and leisure destination. It is in this context that we are extremely concerned about the above proposals and how they could, if approved, fundamentally damage the health, vitality and viability of our collective Town Centre, the heart of our community.

#### **OBJECTION**

Following our review of the planning application submission we provide the following initial comments.

##### **1) Compliance with the Development Plan**

The application site is located within a designated regeneration area, where development is to be guided by the Freckleton Street Masterplan SPD (adopted 2007). The more recently adopted Core Strategy (adopted 2011) and Site Allocations and Development Management Policies DPD (adopted 2015) confirm the Masterplan SPD contents remain valid and up to date.

The land-use focus for the SPD area is for mixed-use development but a number of specific uses are proposed at key locations within the SPD area, where it is considered there is potential to stimulate further investment. While some retail uses are anticipated to come forward in the wider regeneration area, the SPD zones the application site for public sector/office development. The retail/residential area is proposed in the north east part of the site, to be delivered as an extension to the town centre.

Paragraph 4.43 of the Council's Statement of the Council's Statement states that:

***"..... the weight to be attached to the SPD is limited given that it was published in November 2007, and, therefore, pre-dates the adoption of both the CS and the LLP2. It is a document that is somewhat out-of-date."***

We disagree this view as the Masterplan SPD has clearly been reconfirmed as valid as recently as 2015, and the Council presently has made no commitment to undertaking a review of the SPD. Additionally we consider the application undermines the emerging Blackburn Town Centre SPD.

##### **2) Compliance with the Sequential Approach**

Core Strategy Policy CS12 relating to Retail Development, sets out the Borough's retail hierarchy, and confirms Blackburn and Darwen as Town Centres which should be the first choice retail location. The policy also confirms the role of Blackburn as a sub-regional centre.

The application site is defined as an "edge of centre" site in retail planning terms, so is sequentially inferior to town centre locations. As such it is a requirement for the applicant to identify all sequentially preferable town centre sites, and justify why the proposed development cannot come forward in these locations. The applicant has identified six sequentially preferable alternative locations. However we do not consider that the applicant has thoroughly considered the town centre opportunities that exist. Also we confirm that the proposed occupier, Home Bargains, has not made contact with Capital & Regional to discuss how their requirements might be accommodated within the shopping centre.

Given the above we consider the application fails the sequential test.



### **3) Impact on Town Centre Investment**

By diverting the retail focus away from the town centre and reducing retailer interest, this will undermine the role of Blackburn as a sub-regional centre. If the Council is minded to support this planning application, this would cause uncertainty in the retail market in Blackburn and allow the continued growth of competition from out of centre retail locations. This will clearly cause yet further uncertainty regarding the future of the town centre. It is important that Council appreciates that decisions made now, will influence the commercial investment decisions made by retailers in future years. On this basis we consider that any future retail development within the SPD area should come forward in that part of the site zoned for retail, where any new retail development would be read as part of an extended town centre, as the masterplanning process that has been undertaken, appropriately directs.

### **4) Impact on the Town Centre Vitality and Viability**

We consider the applicant has underestimated the trade draw levels from the town centre and overstated the trade draw from other out of town locations to off-set this. The NPPF requires that developments should not have a significant adverse effect on the vitality and viability of town centres. On the basis of the above, we consider that the application has failed the NPPF impact test.

### **CONCLUSIONS**

Capital & Regional has taken advice and reviewed the various studies submitted in relation to planning application ref: 10/18/0279. In conclusion we **object** to the planning application for the following reasons:

- (1) The application is in conflict with the development plan with no material considerations of sufficient weight to justify the departure from development plan policy.
- (2) The sequential test plainly fails given the clear availability of sites for retail use in Blackburn town centre.
- (3) The direct impact upon the town centre retail function as it exists now and how it plans to be developed would be significantly adverse. Visits to the town centre would be materially diverted and put the town centre at risk.

Capital & Regional supports the regeneration of the Freckleton Street Masterplan area. However, this cannot be at the cost of the town centre. As such we confirm our "in-principle" support for the retail extension shown on the Masterplan SPD, but object to the current retail proposal, which is outside of the designated retail zone.

Please do not hesitate to contact me should you wish to discuss the above comments.

Yours sincerely,

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0306**

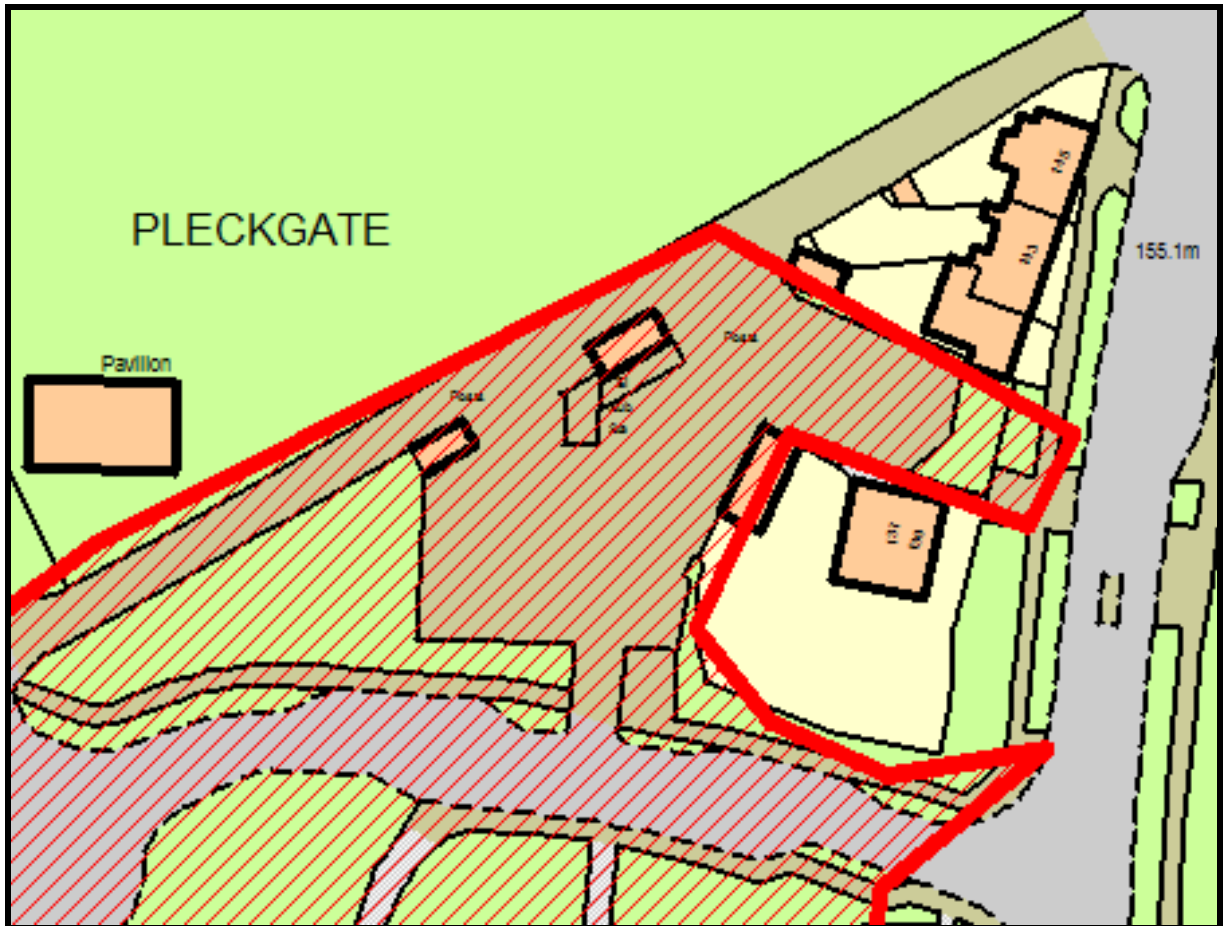
**Proposed development: Variation of Condition No.43 pursuant to planning application 10/09/0895 - retention of the car park layout and landscaping to the south/south-west of Nos 141-145 Pleckgate Road**

**Site address:  
Pleckgate High School  
Pleckgate Road  
Blackburn  
BB1 8QA**

**Applicant: Pleckgate High School**

**Ward: Roe Lee**

<b>Councillor Phil Riley</b>	
<b>Councillor Sylvia Liddle</b>	
<b>Councillor Ron Whittle</b>	



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The planning application is **recommended to be approved** planning permission, subject to application of the conditions as stated in paragraph 4.1.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The planning application, submitted under Section 73 of the Town and Country Planning Act 1990, is presented to Committee, as a proposed amendment to a development previously approved by the Committee in December 2009 under the Chair Referral Process; in accordance with the Scheme of Delegation.

2.2 The amendment considers the retention of the car park layout and landscaping to the south/south-west of Nos 141-145 Pleckgate Road.

2.3 The key issues to be addressed are as follows:

- Impact of the development upon neighbouring residential amenity
- Highways and transportation impact

2.4 Careful consideration has been applied towards the impact of the amendment against neighbouring residential amenity, adequacy and safety of parking provision.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The wider site is located within a predominantly residential area bound by Pleckgate Road to the east and Ramsgreave Drive to the North, Blackburn Northern Sports Club adjoins the site to the north, housing to the north, east and west and open fields to the south. The elevated and open nature of the site and surrounding land afford long distant views to significant natural features such as Pendle Hill.

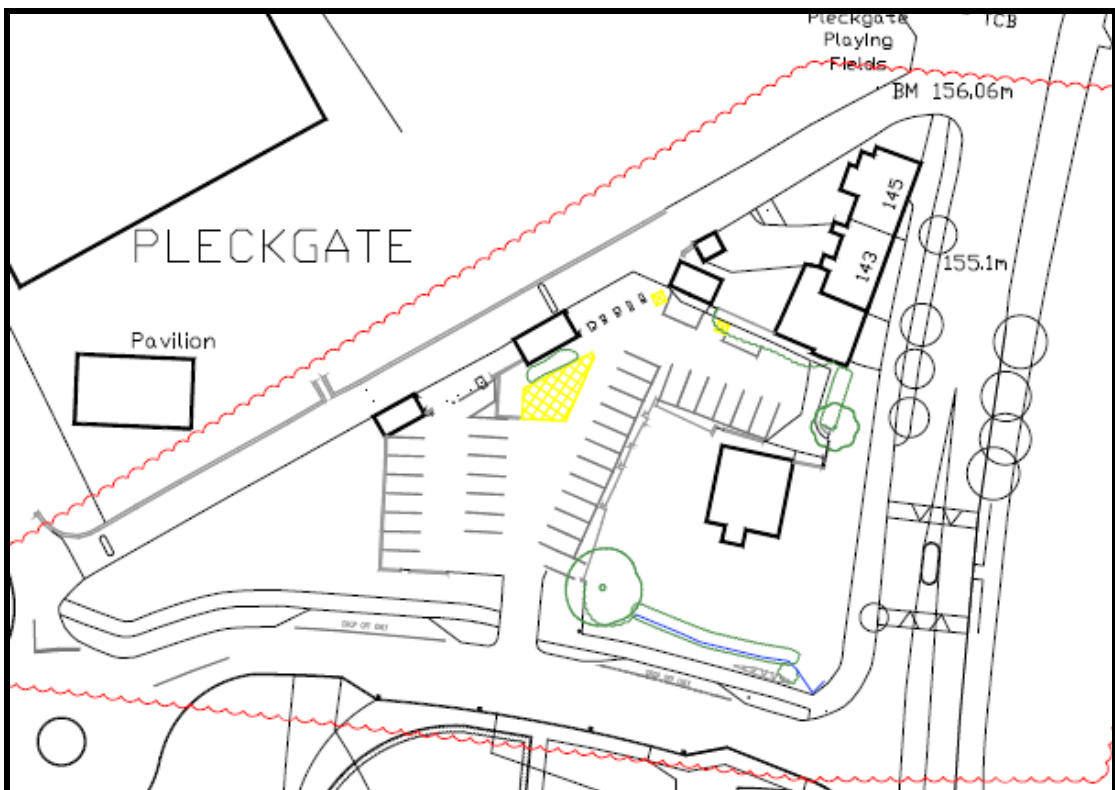
3.1.2 The section of the site associated with this application encompasses a car park and small landscaped area to the south/south-west of Nos 141-145 Pleckgate Road.

### **3.2 Proposed Development**

3.2.1 An amendment is sought to planning permission previously granted under 10/09/0895 to regularise the planning position at the site in relation to amendments to layout and number of parking spaces. The variation also seeks to regularise the alteration to landscaping and removal of the foot path; as per the submitted drawing.



Approved scheme (10/09/0895)



Variation Scheme (10/18/0306)

### **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services

#### **3.3.4 Local Plan Part 2**

- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (The Framework).**

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision making, this means approving development proposals that accord with the development plan without delay (paragraph14)

### **3.5 Assessment**

#### **3.5.1 Principle**

The principle of the proposal is established through the previously approved 2009 application 10/09/0895. The proposed works are considered minor amendments to the approved scheme and as such, the principle of this application is considered to be in accordance with the Council's adopted Development Plan Policies and the National Planning Policy Framework, which emphasises provision of appropriate infrastructure in assisting in building a strong, responsive and competitive economy.

#### **3.5.2 Impact upon residential amenity**

Local Plan Part 2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise, privacy or other nuisance

3.5.3 The proposed increase of parking spaces between the approved plan L-001 Rev D and variation plan L-001 Rev N provides an additional 7 spaces. As with the original assessment, the proposed amendment should be viewed in the context of the pre-existing car park layout, rather than the introduction of an additional car park.

- 3.5.4 Whilst it is accepted that the amendment introduces additional parking spaces as part of a revised layout which further reduces amenity space. It is not considered that the area will result in a significant degree of additional noise or other nuisance from users, beyond that of the approved car park. It should be noted that outdoor and indoor uses are controlled by conditions as part original permission (10/09/0895) and noise will be centred around people entering and leaving vehicles. Indeed, should complaints be raised the Enforcement Team can determine what breaches have occurred and take necessary action.
- 3.5.5 Public Protection colleagues have been consulted on the application with comments to be provided by way of an update report.
- 3.5.6 However, in acknowledgment of the potential for noise impact, particularly during the evenings, the availability of Public Protection powers to address the issue should be reinforced and that general noise nuisance complaints can be investigated by Public Protection colleagues, under provisions of the Environmental Protection Act 1990.
- 3.5.7 It is, therefore, subject to no objection from Public Protection colleagues, considered that the amended proposal will not excessively erode residential amenity; in compliance with Local Plan Part 2, Policy 8.
- 3.5.8 Accessibility and Transport  
Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.
- 3.5.9 Following a request from Highways colleagues for additional information on users of this section of the car park the school has proved the following comments, 'from the school's point of view we require as many car parking places as possible. The visitor car park is used every day. There are only enough spaces on the main car park for staff so any visitors use the visitor car park. It is also used regularly by our academy sponsor, The Education Partnership Trust for their staff and visitors to park. In the afternoon, parents park on the visitor car park and wait to collect their children from school. At the weekends the car park is used by people who use Pleckgate football fields across the road from the school. We have made an agreement with the council community team to allow parents to use our car parks so that cars are not parked directly on the main road. Finally, during school events such as open days, progress evenings or performances the visitor car park is also well used due to the number of parents visiting our site in the afternoon and evening.'
- 3.5.10 The Council's Highways Team has reviewed the accompanying documents, drawings and supplementary information and offers no objection to the scheme given the minor nature of the works proposed noting, 'there is the potential demand arising from the community playing fields for car parking

support, once the seasons are in full swing, and numbers increase. We would rather they are parked in a car park than on Pleckgate Road which is part of the strategic highway network.'

3.5.11 It is noted that a request for signage has been requested by the Highway Engineer, however a separate condition (24) as part of the original application (10/09/0895) deals specially with signage and as such, no additional request is required as part of this variation.

3.5.12 Accordingly, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2, Policy 10.

## **4 RECOMMENDATION**

4.1 **APPROVE** subject to conditions previously approved under application 10/09/0895.

## **5 PLANNING HISTORY**

5.1.1 10/09/0895: Replacement school with associated access, parking and landscape alterations.

## **6 CONSULTATIONS**

6.1.1 14 neighbouring properties were consulted by letter. 1 letter of objection has been received. The material issues raised relevant to this application are considered to relate to:

- Amenity,
- Highway safety

6.1.2 Whilst the increase of additional parking spaces is acknowledged as having the potential to increase noise, pollution or other nuisance, this must be balanced against the baseline of the existing approval. The proposed works are considered to be minor and on balance would not cause a significant detrimental impact on the occupiers of nearby properties by virtue of the additional parking spaces. Additionally, the highways concerns are considered to have been addressed in paragraph 3.5.9 of this report.

6.1.3 It is noted that, a substantial and detailed objection has been received and whilst matters put forward are relevant to the original application 10/09/0895, they are not matters to be addressed as part of this application outside of those highlighted in paragraph 6.1.1

6.1.3 Highways Officer – no objection

6.1.4 Public Protection Officer – Comments to be provided by way of an update.

**7 CONTACT OFFICER: Alec Hickey, Senior Planner.**

**8 DATE PREPARED: 08<sup>th</sup> June 2018.**

## **9.0 SUMMARY OF REPRESENTATIONS**

Objection from Brian Rees, Katrina Rees, Alexandra Rees

Dear Sir,

Please find below comments on application 10/18/0306

The Ombudsman said:

The applicant's agent sent a parking plan, Plan M in August 2012. But Plan M used the original car park size before the 2009 permission. It was a bigger car park without landscaping, and showed only 18 marked spaces. The Council discharged the condition without obviously noticing the differences. By 2013 Car Park A was constructed using the area shown in Plan M, but with 34 marked spaces. The school site is no longer owned by the Council.

There seems to be a miss match between the relevant plan that the Applicant of 10/18/0306 is seeking variation of and the plan advised to the Ombudsman was the relevant Plan.

There should be two relevant plans, resulting from Condition 11 and Condition 24 The Landscaping plan and the Parking plan.

I respectfully request that application be refused until statutory consultation has taken place on the relevant plans.

The Applicant states that "even if the approved car park had been constructed, it would have still resulted in a degree of noise from vehicles coming and going, an doors being shut etc." What the applicant fails to mention is that the degree of disruption would be considerably reduced in number and degree had the improved scheme had put in place.

The applicant goes on to say, "Such impacts would have been fully assessed by the council" That is exactly why the Council reduced the area of the area installed landscaping and reduced the number of parking places. That is why the Council were comfortable that the neighbours would not be unduly affected.

Had these impacts been fully considered as the Applicant states we would like to see them as we don't believe there is any record of an "impact assessment" being done.

For the avoidance of any doubt, the scheme proposed by the Council was not put in place.

Condition 24 of 10/09/0895 specified a parking plan be submitted and agreed. The Ombudsman worked off Plan M as the relevant plan.



The same plan dated 6/11/09 only 6 days earlier showed only 2 parking spaces north of 139 Pleckgate Rd BB1 8QA, somehow it got changed to 7 next to 139 in those 6 days which I also submit is a more than substantive increase of 250%

Condition 24 specified signage for staff and visitor parking for both the school and the CLC parking, signage has never materialised including for the installed CCTV

To the West of 137 and 139 there are 27 marked spaces plus 3 tarmaced and dropped kerbed spaces making 31 in all. Revision D shows pictorially 16 spaces to the West, therefore an increase of 11, again I submit there is a more than a substantive increase of 206%.

Condition 11 of 10/09/0895 specified a landscaping plan be submitted and agreed. The reason for this condition was to ensure there is a well laid scheme in the interests of amenity in accordance with BwD Local Plan.

Because Condition 11 was never done it means our amenity has suffered.

The decision notice is dated December 19 2006, the landscaping master plan D is dated is dated 12/11/09. The plan shows landscaping to reduce the size of the car park and specifies 16 CLC spaces in writing to preserve amenity and compensate for the addition of the new access road to the south of 137 Pleckgate Rd

We went into the Planning Office prior to the decision to see the planners We were told that the car park to the rear of 137 139 Pleckgate RD would be solely for the use of the CLC building (Adam Scot Strategic Development Officer) by phone and confirmed in person by Robert Buffham (Principal Planning Officer) That was in the detail Adam Scot briefed in writing to the Elected Members at Committee and that was what the Elected Members passed.

The Ombudsman confirms this commenting: The Council made a planning application for a new school building in 2009. It said a newly designed parking area, which I shall call Car Park A, would be for the sole use of the nearby learning centre rather than the new school building.

We respectfully submit that decision should stand. By Condition.

The parking spaces shown on the "Landscaping" Master Plan D" were for illustrative purposes only as the plan legend specified 16 places and that was the important figure. There would be a parking Plan submitted later as shown in the Decision notice Condition 24 to be agreed which would show the actual layout of the 16 parking spaces.

The reduction in size with the associated car park and landscaping was proposed to us as compensation for losing the large grassed area to the south of 137 which was to be turned into a new access road and drop off point area immediately next to our southern boundary.

There was also in recognition of the fact that the users of the car park would park in any available space in any of the areas outside of the designated 16 spaces that could accommodate a car, disregarding the double yellow lines so the proposal to us was to reduce the area of the car park by landscaping.

The uplift in spaces is substantive, being from 16 to an actual 44, is considerable and important given that 137 and 139 are now completely surrounded by tarmac available for parking, It is not just used by the CLC now the /////////////// but also by the School and East Lancashire Football teams. It is unmanaged, open 24/7 day and night.

There are unofficial parking spaces, which are well used because 3 of them are nearest the CLC and football pitches. These have been created from a previously landscaped area by removing the existing walls, removing the landscaping, lowering the kerbs and tarmac to bring them into use. There are 7 other spaces regularly used on school days and some evenings throughout the school terms and also at weekends through the football season.

10 Unofficial spaces in total. + 34 marked 44 in total.

The car park is used in a particular way unlike any normal car park.

School pickup: Parents arrive from about 2pm to claim and preserve their place. Since they are waiting for a protracted period of time they leave their engines running to either heat the car or run the air conditioning depending on weather conditions. This produces engine noise and exhaust fumes which affects the use of our private outside space detrimentally. Added to this we get the fumes from the school car park of 105 cars and from the new access road to the south of us. Both the access road and the car park are choked because of all the cars parked on double yellows on the school access road can't get out onto the main road which results in chaos, blowing of horns revving of engines and sometimes conflict between drivers.

The initial use of the car park has been dramatically increased by the inclusion of car parking to access the new football pitches on Saturdays and Sundays. Three of the pitches are unused so there will be another increase when these are brought into play. The car park fills up from about 8 or 9 am depending on who is playing and where they have come from and will be in and out most of the day with teams coming and going through out. Again there as there is no management on the car park we suffer increased noise and exhaust fumes.

Anti Social Behaviour (ASB) is a regular feature and the reduction in the size of the car park, landscaping, and signage would mitigate. Last night was typical, 5 cars with occupants partook from midnight to 3 AM in rowdy partying, drinking, smashing glasses, throwing up and so on. Police were asked but did not attend. If the landscaping was reinstated the car park could be closed at night as are the other car parks close by. These activities cause us huge stress anxiety and disruption. They are a consequence of Condition 11 and to a lesser extent Condition 24 not being enforced.

The grassed areas described as "amenity grassed areas" across the rest of the site are of no amenity value to 137 139 Pleckgate Rd. In balancing the amenity removed what is needed is grassed areas between the cars and the houses boundaries.

With regard to the non provision of the footpath through the grassed area. It was designed so that it was on the desire line away from cars. It ensured that cars and pedestrian i.e. school children passing through the car park to the main footpaths would be separated. At present children have to cross the access road full of cars

trying to get out and then walk head on into cars trying to get out onto the access road from the car park. This non-design is a road safety issue and an accident waiting to happen.

We have shown that the uplift in spaces next to our boundaries is substantive.

We have never accepted the concept of parking next to our boundaries. It is incorrect and misleading to say the acceptability of parking next to our boundaries has been established through the original planning permission.

There is no record of the said original planning permission.

We have searched the planning records in Blackburn with Darwen's planning office with the assistance of planning office staff and were unable to find any record of a previous planning permission.

The reduced area of amenity grass is important to our amenity as it reduces the proximity and number of vehicles next our property particularly because we have lost the amenity grassed area to the South of our property because the Council has built an access road to the School and Blackburn Northern right next to our boundary.

The Ombudsman asked why the Council would ask the school to make a section 73 application rather than carry out the landscaping and layout plans the planning committee approved.

Our answer would be that the Council and School are effectively one and the same and therefore it is not deemed expedient to uphold the democratically approved decision the planning committee approved. The Ombudsman says they didn't notice the changes or in the event as it turned out follow the right plans plans.

We respectfully ask that the application should not be approved.

Should this application be approved we would respectfully request the following Conditions:

Carry out an impact assessment covering, vehicles, noise, loss of amenity, and ASB.

A solid boundary treatment be put in place against our property, be it whatever form solid walls or extra landscaping and management of the car park to prevent Anti Social Behaviour (ASB).

Signage for staff, visitors, and existing CCTV.

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0484**

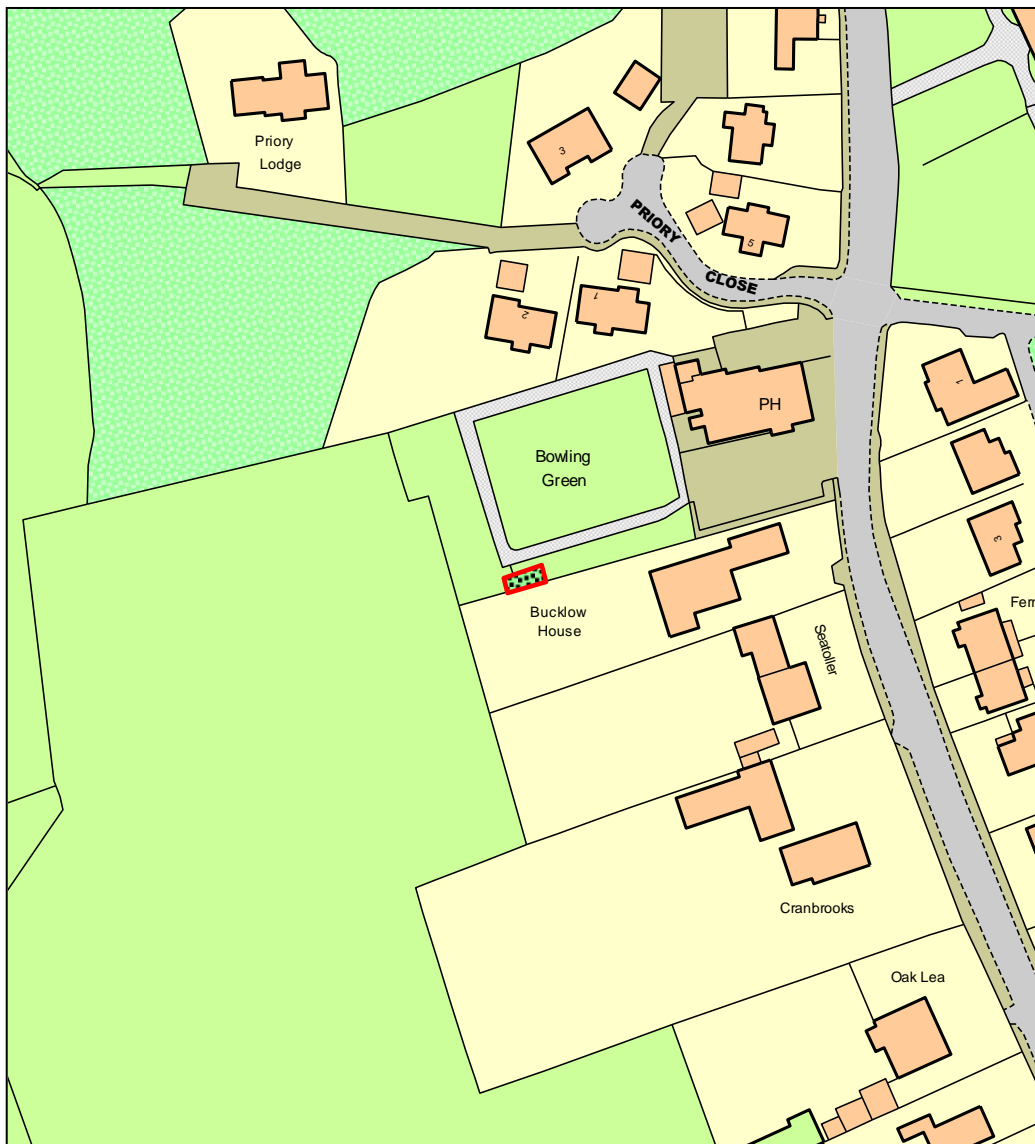
**Proposed development: Full Planning Application: Erection of accommodation for Butler's Arms Bowling Teams (retrospective).**

**Site address: Butlers Arms, Pleasington Lane, Pleasington, Blackburn, BB2 5JH**

**Applicant: Mr A Ramsbottom**

**Ward: Livesey with Pleasington**

<b>Councillor Derek Hardman</b>	
<b>Councillor John Pearson</b>	
<b>Councillor Paul Marrow</b>	



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The planning application is **recommended to be approved** planning permission subject to the conditions as stated in paragraph 4.1.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 As a retrospective planning application, it is presented to the Committee through the Chair Referral Process in accordance with the Scheme of Delegation.

2.2 The proposed building will provide accommodation for the Butler's Arms bowling team.

2.3 The key issues to be addressed are as follows:

- Principle of the development
- Impact of the development upon neighbouring residential uses
- Design

2.4 Careful consideration has been applied towards the principle of the proposal, taking into account the application sites status as an 'Asset of Community Value', together with the impact of the development against neighbouring residential amenity, and the proposed design principles.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site is the Butler's Arms Public House, located to the west of Pleasington Lane, within the village boundary of Pleasington, Blackburn. The Public House is a traditional style detached venue, typical within a village setting. To the rear of the building lies an outdoor seating area and bowling green, which plays host to the Public House's crown green bowling club.

3.1.2 Pleasington Lane is straddled by residential properties to the east and west, beyond which lies the Green Belt.

### **3.2 Proposed Development**

3.2.1 Retrospective planning permission is sought for the erection of a log effect cabin, to provide accommodation for members of the bowling club. The building is sited adjacent to the south west corner of the bowling green and adjoins the common boundary shared with the neighbouring dwelling 'Bucklow House' to the south. Full details are set out in the submitted drawings.

### **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development

#### **3.3.4 Local Plan Part 2**

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 11 – Design
- Policy 35 – Protection of Local Facilities

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (The Framework).**

At the heart of The Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

### **3.5 Assessment**

#### **3.5.1 Principle**

The Framework at paragraph 70 emphasises the need to plan positively for the provision of community facilities. Policies CS1 and C11 of the Core Strategy encourage new development and a range of quality public facilities, which is central to the Council’s vision of an ‘improved offer’, to attract people to move or to remain in Blackburn and Darwen.

3.5.2 Paragraph 80 of The Framework is also clear in its support for positive planning decisions for the delivery of community facilities to facilitate social interaction.

3.5.3 The Butler’s Arms, inclusive of all associate outdoor space, is a designated ‘Asset of Community Value’ gaining inclusion on the Council’s Local Assets of

Community Value Register on 12<sup>th</sup> December 2016 (ref: BL/2016/ENQ/07261). Whilst Policy 35 should be acknowledged, as relative to Assets of Community Value; the proposal does not involve the change of use of the Public House, thereby ensuring no policy conflict.

3.5.4 The Principle of the proposal is, therefore, acceptable, in accordance with The Framework's sustainability principles.

3.5.5 Impact upon residential amenity

Local Plan Part 2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise and privacy.

3.5.6 The building is set at an angle and sits below the pre-existing timber fence and hedgerow that defines the common boundary shared with Bucklow House to the south that it adjoins. Appropriate levels of amenity are maintained; in accordance with the requirements of Local Plan Part 2, Policy 8.

3.5.7 Design / Character and Appearance.

Local Plan Part 2 Policy 11 requires development design to be of a good standard and demonstrate an understanding of the wider context and make a positive contribution to the area.

3.5.8 The building is rectangular in shape with a mono pitch roof. It has a floor area of circa 19 square metres and a maximum height of 2.5 metres. Its scale, siting and external finish of log effect timber cladding ensures a visually attractive and unobtrusive feature relative to the immediate public house setting and Pleasington Lane to the east; subject to the current white UPVC windows being treated in a softer colour to be agreed.

## 4.0 RECOMMENDATION

4.1 **APPROVE** subject to the following conditions:

- Window frames to be treated in agreed colour within 28 days of approval.
- Development to be carried out in accordance with approved drawings.

## 5.0 RELEVANT PLANNING HISTORY

5.1 10/00/0634 (rear single storey extension); 10/07/1132 (rear single storey extension); 10/17/0620 (outdoor seating area; 10/18/0132 (amendment to outdoor seating area to include provision of a pergola; 10/18/0207 (addition of timber window to rear elevation of building).

**4.0 CONSULTATIONS**

4.1 3 neighbouring properties were consulted by letter. At the time of writing the report, one letter of objection has been received. Pleasington Parish Council have raised no objections to the proposal.

**5.0 CONTACT OFFICER: Nick Blackledge, Planner**

**6.0 DATE PREPARED: 8<sup>th</sup> June 2018.**



## 7.0 SUMMARY OF REPRESENTATIONS

### Objection John. C. Pearson, 1 Priory Close, Blackburn

#### **Re Butler's Arms, Pleasington – Planning Application 10/18/0484**

Thank you for your letter of consultation dated 23<sup>rd</sup> May 2018 to me as an immediate neighbour to the existing development at the Butler's Arms, for which a retrospective planning application is being sought. So as to be clear and in the light of my public office, I am writing here in my private capacity as an ordinary citizen to make comment on this application.

To be clear, I object to the currently erected Bowling Hut. This is on the basis that as it is the first thing I see when I open my bedroom curtains each morning, I am confronted with an eyesore entirely inappropriate in appearance for its location. It is in the style of a log cabin which given that we are in North West England not Scotland or Canada is out of keeping with its surroundings. It is unfinished wood and does not blend in with the surroundings. Incongruously it is fitted with white UPVC doors and windows. Altogether it looks like an amateur design of a children's Wendy House.

Looking back to the last planning application reference 10/18/0132, the Design & Access Statement says:

“DESIGN CONCEPT - To provide an improved viewing and seating area for home and away bowlers during matches, that can also be used by pub customers on non-match days”

Plainly this has now not been provided as the Applicant has, in order to facilitate his own commercial gain, denied what he was offering the Bowlers together with their traditional storage facility and substituted the currently erected Bowling Hut and viewing area. As far as I am aware the decking facility has been in use by pub customers every single day for at least the last month.

The fact that this is the third planning application in respect of outdoor facilities at The Butlers Arms, in less than a year, clearly demonstrates the Applicants use of incremental development applications to secure his ultimate desire against the wishes of myself, other neighbours and local residents. I ask the question “would he have received planning consent for what has now been actually constructed by way of a large external decking, pergola, outside bar, music, fire pits, reduction in the bowling green and forced relocation of the bowler's storage and viewing facilities had he

declared all the matters in an initial single planning application”. I believe that the Council has been hoodwinked by the Applicant.

Lastly, the recent good weather has facilitated usage of the new decking and pergola for every one of the 7 days a week for at least the last month. There has not been one day between the hours of 12:00 Noon and 9:00pm when I have been able to quietly enjoy my own garden because of the continual noise and banter from drinking and dining customers, including men shouting and children excitedly running all over the bowling green. These crowds of people are (as those Councillors who visited site will know) less than 5 metres from my own outside dining table. I have therefore been compelled to share my quiet and private space with large numbers of others without a break since the May Day holiday. Suffice to say that, in order to have peace, my wife and I have taken to having our own meals inside the house despite the quite remarkable weather we have had.

I do not believe what has thus far been allowed by the Council is equitable and fair and this latest retrospective application should not be granted and the applicant required to re-instate the facilities previously afforded to the Bowlers. These have been satisfactory to them for many years.

Furthermore, I request that the Council review the existing granted applications 10/17/0620 & 10/18/0132 and apply limits to the future use of the facility to 3 days in any one week and require the Applicant to install appropriate reflective acoustic sound screen fence along our joint boundary. This will go some way to restoring my right to quiet enjoyment of my property for reasonable periods of time.

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**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0513**

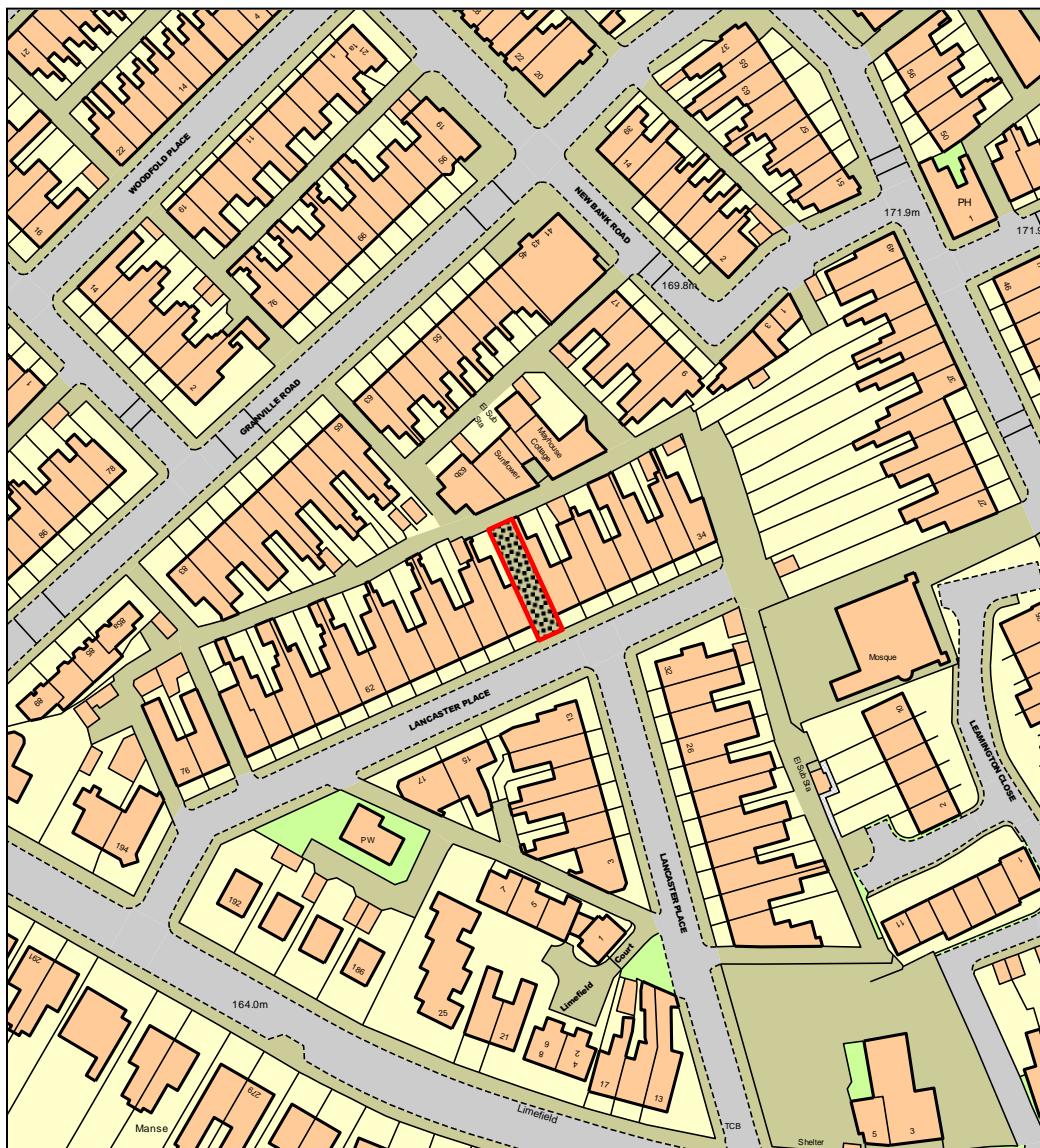
**Proposed development: Householder Notification for Single Storey rear extension  
5m from original wall, max height: 3.900m, height to eaves: 2.600m**

**Site address: 48 Lancaster Place, Blackburn, BB2 6JT**

**Applicant: Mr M Khan**

**Ward: Wensley Fold**

<b>Councillor Dave Harling</b>	
<b>Councillor Mohammed Khan O.B.E.</b>	
<b>Councillor Quesir Mahmood</b>	



## **1.0 SUMMARY OF RECOMMENDATION**

**1.1 PRIOR APPROVAL IS GRANTED; subject to works being undertaken in accordance with the submitted and reviewed information.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 This application is being presented to planning committee as the applicant is an elected member of Blackburn with Darwen Borough Council.

2.2 Members should note that a similar application has been submitted for No. 46 Lancaster Place for an extension of the same size, scale and design.

2.3 The application is in the form of a prior notification submission for a proposed rear extension.

2.4 Recent legislative changes came into force on 30th May 2013 (SI no. 1101) as a result of an amendment to the Town and Country Planning (General Permitted Development) Order 1995 and as a result permitted development rights were extended, for three years, in order to make it easier for homeowners to construct larger extensions without the need for planning consent. Subsequent amendments brought in on the 6<sup>th</sup> of April 2014 (SI no. 564) clarified that the LPA should now assess an application for prior approval against all of the limitations and conditions of Class A, and also made it possible to attach conditions to any grant of prior approval. In March 2015, the government published Statutory Instrument 2015 No. 596, titled The Town and Country Planning (General Permitted Development) (England) Order 2015. This came into force on 15<sup>th</sup> April 2015, and replaced the Town and Country Planning (General Permitted Development) Order 1995. In doing so, it extended permitted development rights for a further three years to 30<sup>th</sup> May 2019.

2.5 The proposal is assessed against all the relevant criteria of **Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a two storey terraced dwelling located on the northern side of Lancaster Place within Blackburn. The site is located within a predominantly residential area.

### **3.2 Proposed Development**

3.2.1 Prior approval is sought for the erection of a 5m projecting extension which would have a width of 3.65m. It would have a mono-pitch roof with an eaves height of 2.6m and a ridge height of 3.9m.

### 3.3 Assessment

#### 3.3.1 A.1 Development is not permitted by Class A if –

**(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**

Permission for use as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3. The proposal accords with A.1(a).

**(b) as a result of the works the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

The proposed rear extension would not exceed 50% of the total area of curtilage of the property as the front drive and lawn area is taken into account. The proposal accords with A.1(b).

**(c) the height of the part of the dwelling house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling house;**

The height of the proposed rear extension would not exceed the height of the existing dwelling. The proposal accords with A.1(c).

**(d) the height of the eaves of the part of the dwelling house enlarged or improved or altered would exceed the height of the existing dwelling house;**

The eaves of the proposed rear extension would not exceed the height of the eaves of the existing dwelling. The proposal accords with A.1(d).

**(e) the enlarged part of the dwelling house would extend beyond a wall which - (i) fronts a highway; and (ii) forms either the principal elevation or a side elevation of the original dwelling house;**

The proposed rear extension would not extend beyond a wall which is considered to front a highway. The proposal accords with A.1(e).

**(f) subject to paragraph (ea), the enlarged part of the dwelling house would have a single storey and – (i) extend beyond the rear wall of the original dwelling house by more than 4 metres in the case of a detached dwelling house or 3 metres in the case of any other dwelling house, or (ii) exceed 4 metres in height;**

The proposed rear extension would extend beyond the rear wall of the original dwelling by more than 3m. See point (g)

**(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and — (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or(ii) exceed 4 metres in height;**

The proposed rear extension would extend beyond the rear wall of the original dwellinghouse by 5m and would not exceed 4 metres in height. As the application dwelling is a terraced dwelling it would therefore accord with A.1(g).

**(h) the enlarged part of the dwelling house would have more than one storey and – (i) extend beyond the rear wall of the original dwelling house by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house;**

The proposed rear extension would be single storey. The proposal accords with A.1(h).

**(i) the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposed rear extension would be located 2.2m from the nearest boundary of the curtilage of the dwellinghouse. It would have an eaves height of 2.35m measured from the level of the highest part of the surface of the ground adjacent to it.

**(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –**

- (i) exceed 4 metres in height,**
- (ii) have more than one storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposed extension would not extend beyond a wall forming the side elevation of the dwellinghouse. The proposal accords with A.1(j)

**(k) it would consist of or include—**

- (i) the construction or provision of a veranda, balcony or raised platform,**
  - (ii) the installation, alteration or replacement of a microwave antenna,**
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- an alteration to any part of the roof of the dwellinghouse.**

The proposed development does not consist of or include any of the above criteria. The proposal accords with A.1(k).

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

**(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**

**(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

**(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

**(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).**

**Schedule 1, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines Article 2(3) land as:**

1. Land within—

(a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);

(b) an area of outstanding natural beauty;

(c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)41;

(d) the Broads;

(e) a National Park; and

(f) a World Heritage Site.

The building is not located on land which is sited within any of the above designations. The proposal therefore accords with A.2.

**Conditions**

**A.3 Development is permitted by Class A subject to the following conditions—**

**(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

As per the submitted details as shown on drawing number: 012/04/18/14/@A1 it is proposed to clad the proposal in facing brickwork to match the existing dwelling and Redland regent concrete roof tiles. The proposal therefore accords with A.3(a).

**(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**

**(i) obscure-glazed, and**

**(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

The proposal is single storey and does not include the insertion of any first floor windows. The proposal therefore accords with A.3(b).

**(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal is single storey and does not form an upper storey on an existing enlargement of the original dwellinghouse. The proposal therefore accords with A.3(b).

### **3.4 Summary**

- 3.4.1 This report assesses the prior approval application for the proposed rear extension at 48 Lancaster Place. In considering the proposal, all material considerations have been taken into account to inform a balanced recommendation. The proposed extension meets all permitted development criteria, in accordance with Class A Part 1 of the GPDO.

## **4.0 RECOMMENDATION**

- 4.1 **Grant prior approval subject to the development being carried out in accordance with the following submitted documents and drawings:**

- Ground Floor Plan showing rear kitchen/bathroom extension at 48/46 Lancaster Place Blackburn – Sketch 175/18

## **5.0 PLANNING HISTORY**

- 5.1 None

## **6.0 CONSULTATIONS**

- 6.1 The adjoining neighbours have been informed of the proposal and no objections have been received from the occupiers of the adjacent properties.

- 7.0 **CONTACT OFFICER: Rebecca Halliwell, Assistant Planner – Development Management**

- 8.0 **DATE PREPARED: 05/06/2018**